

not contain 1½ fluid ounces but did contain a less amount. Misbranding of the olive oil was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On February 15, 1939, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25 and costs on count I and placed the defendant on probation for 2 years on the remaining counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30239. Misbranding of Fowler's solution tablets. U. S. v. 11 5/6 Dozen Bottles of Tablets Fowler's Solution. Default decree of condemnation and destruction. (F. & D. No. 44417. Sample No. 77-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It also bore false and misleading representations that each tablet would make 4 ounces of Fowler's solution, since when dissolved as directed, it would not make Fowler's solution.

On November 29, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 5/6 dozen bottles of Fowler's solution tablets at Denver, Colo., consigned by Quality Biologic Co.; alleging that the article had been shipped in interstate commerce on or about August 29, 1938, from Kansas City, Kans.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading since they represented that the article was Fowler's solution tablets; whereas it was not Fowler's solution tablets but consisted of tablets containing approximately 1 grain of arsenic trioxide per tablet: "Tablets Fowler's Solution * * * Each Tablet contains sufficient Potassium Arsenite and coloring matter to make four ounces of Fowler's Solution." Misbranding was alleged further in that the following statements in the labeling regarding the curative or therapeutic effects of the article were false and fraudulent: "Indicated in certain case of malnutrition, particularly those attendant to cases of chronic indigestion. * * * Of benefit in the treatment of coryza, ozena, chronic cough, asthma, emphysema, bronchitis, pneumonia, and influenza. Successfully used in certain cases of general debility, pernicious anemia, and leukemia."

On February 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30240. Adulteration of Hytest Cold Capsules. U. S. v. International Drug Sales Co. Plea of guilty. Fine, \$50. (F. & D. No. 42631. Sample No. 27528-D.)

This product was represented to contain 1½ grains of acetanilid per capsule, whereas it contained no acetanilid.

On January 5, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Drug Sales Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act on or about October 18, 1937, from the State of Colorado into the State of Wyoming, of a quantity of Hytest Cold Capsules which were adulterated. The article was labeled in part: "Acetanilide 1½ Grain Per Capsule."

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each of the capsules was represented to contain 1½ grains of acetanilid; whereas they contained no acetanilid.

On January 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30241. Misbranding of Bowman's Cramp and Diarrhoea Mixture. U. S. v. Bowman Bros. Drug Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 40768. Sample No. 48130-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bowman Bros. Drug Co., a corporation,

Canton, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 18, 1937, from the State of Ohio into the State of West Virginia, of a quantity of Bowman's Cramp and Diarrhoea Mixture which was misbranded.

Analysis showed that the article consisted chiefly of alcohol, water, chloroform, menthol, and a morphine-bearing drug.

Misbranding was alleged in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article borne on the carton and bottle label falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for cramp and diarrhoea; effective as a remedy for cramps in the stomach, bilious colic, bowel complaint, diarrhoea, dysentery, bloody flux, and cholera infantum; and effective as an instant relief in cases of cramps in the stomach or bowels.

On February 3, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30242. Adulteration and misbranding of absorbent cotton and gauze bandages. U. S. v. 10 Gross Absorbent Cotton (and 4 other seizure actions against similar products). Decrees of condemnation and destruction. (F. & D. Nos. 38458, 40923, 42037, 42190, 42279. Sample Nos. 7372-C, 56897-C, 56898-C, 10000-D, 10736-D, 12050-D, 12051-D, 12052-D, 23428-D.)

These products, which were represented to be sterile and which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination were found to be contaminated with viable micro-organisms.

On October 24, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross packages of absorbent cotton at Erie, Pa. Between November 26, 1937, and April 28, 1938, libels were filed in the District of New Jersey, the Western District of Washington, and the Eastern District of Pennsylvania, against 132 packages of gauze bandages, 152 2-ounce packages, and 71 pounds of absorbent cotton at Newark, N. J., 4 gross packages of absorbent cotton at Seattle, Wash., and 276 packages of absorbent cotton at Easton, Pa. The libels alleged that the articles had been shipped by the American White Cross Laboratories, Inc., from New Rochelle, N. Y., within the period from on or about September 10, 1936, to on or about April 6, 1938; and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, since they were labeled variously, "Supreme Rx Quality Surgical Sterilized Absorbent Cotton," "Sterilized After Packaging," and "Sterilized * * * Absorbent Cotton" and were not sterile but contained viable micro-organisms.

Misbranding was alleged in that the following statements and designs appearing variously on the labels were false and misleading: "Supreme Rx Quality Surgical Sterilized Absorbent Cotton," "Sterilized * * * Absorbent Cotton," "Sterilized After Packaging," "The White Cross of Perfection is your protection," "They are scientifically prepared under the most sanitary condition," and "Hospital Cotton Sterilized After Packaging [design of nurse and surgeon in uniform]."

The American White Cross Laboratories, Inc., appeared as claimant and filed answers to each of the libels denying the adulteration and misbranding charges and as a separate and distinct defense alleged that on January 30, 1936, the Federal Trade Commission issued to the claimant an order to cease and desist from the use of the terms "Sterilized" or "Sanitary" in describing cotton unless packaged under conditions prescribed in the said order; and alleged compliance by the claimant with the said order.

On June 23, 1938, the United States attorney for the Western District of Washington filed a motion to strike claimant's answer and a demurrer to the said separate defense. On September 12, 1938, the demurrer was argued and sustained without opinion. On November 23, December 28, and December 30, 1938, and January 30, 1939, judgments of condemnation were entered, either by consent of the claimant or by default, and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*